

Serial No. 10/726,461  
Attorney Docket No. 24170759.2

### **REMARKS/ARGUMENTS**

Claims 1-50 were originally filed in the present Application. In response to a Restriction Requirement, claims 26-50 were withdrawn from consideration at this time, and are now canceled without prejudice or disclaimer pending the filing of a Divisional Application. By a first prior Amendment, claims 1, 12-14, 19, and 22-23 were amended, and by a second prior Amendment, claims 1 and 14 were again amended. By the present Amendment claims 1, 14 and 20 are amended, and claims 2 and 3 have been canceled. Accordingly, claims 1 and 4-25 remain pending in the present Application, and Applicants assert their condition for allowance over the prior art for at least the reasons set forth in the Amendments, as well as reasons set forth below, and thus respectfully request reconsideration of the rejected claims.

#### **I. OBJECTIONS**

The Examiner has objected to claim 20 under 37 C.F.R. 1.75(c) as allegedly failing to further limit the subject matter of previous independent claim 14. The Applicants respectfully disagree with the Examiner's assertion, and point out that claim 14 recites that a first plurality of nonwoven fibers horizontally dispersed in two or more predetermined directions, while claim 20 adds that the first plurality of nonwoven fiber may be so dispersed when grouped together in linear formations, as described in the specification. Thus, by claim differentiation, the fibers may be directionally aligned in the multiple directions, yet not necessarily grouped in the linear formations recited in claim 20. In view of this distinction, the Applicants respectfully request that the Examiner withdraw the objection to claim 20.

#### **II. REJECTIONS UNDER 35 U.S.C. §102**

The Examiner has rejected claims 1, 4-5, 7-10, 14-16, 18-20 and 25 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,278,720 to Shannon, *et al.* With regard to independent claim 1, the Applicants have amended claim 1 to recite that the first layer

Serial No. 10/726,461  
Attorney Docket No. 24170759.2

of nonwoven fibers are directionally aligned in a plurality of crossing linear formations, as previously recited in dependent claims 2 and 3. With regard to independent claim 14, the Applicants have amended claim 1 to recite that the first layer of nonwoven fibers are directionally aligned in two or more directions, as described in the specification. In contrast to amended claims 1 and 14, the fibers of Shannon's first layer are aligned in a single, parallel direction.

Moreover, there is nothing in Shannon that would suggest aligning the fibers of the first layer in multiple directions, as recited in amended claims 1 and 14, since Shannon includes a third layer (on an opposite side of the middle layer) that includes fibers aligned in a direction different than that found in the first layer. This lack of suggestion is further evidenced by the lack of rejection of claims 2 and 3 of the present application as obvious under 35 U.S.C. §103(a) in view of Shannon, which recited fibers aligned in multiple directions. Furthermore, although the Applicants have presently amended claims 1 and 14, this amendment does not necessitate a further search since the added limitations involve fibers directionally aligned fibers aligned in two or more directions, for example, as previously recited in dependent claim 3. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejections of independent claims 1 and 14, and their respective dependent claims.

The Examiner has also rejected claims 1-4 and 6 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,355,584 to Corrons. In particular, the Examiner has equated Corrons' use of multiple unidirectional layers as Applicants' claimed first layer, simply because Corrons teaches sewing these multiple layers together. While the Applicants disagree with this assertion by the Examiner, the Applicants have amended independent claim 1 to more clearly recite the intended subject matter. Specifically, claim 1 now recites that the first layer of

Serial No. 10/726,461  
Attorney Docket No. 24170759.2

crossing linear formations has an overall thickness substantially equal to a thickness of one of the linear formations. As illustrated in FIGURE 2 and described in the specification, nonwoven fibers forming the first layer are dispersed between protuberances 240 such that they are directionally aligned in crossing linear formations. (Page 7, lines 15-18.) The specification then continues:

“Once these fibers are aligned, they come to rest on the flat portion of the forming wire 230 in between the forming protuberances 240, thus forming the linear formations 210 of directionally aligned fibers of the first layer 110.

After the spaces in between the forming protuberances 240 are filled with fibers directionally aligned to lay therebetween, the thickness of the linear formations 210 substantially equals the height of the forming protuberances 240.”

(Page 7, lines 18-20.) From this description, as well as the accompanying figure, it is clear that all of the linear formations formed in the claimed nonwoven fiber material have substantially the same thickness (or height) since they are all formed to a height of the protuberances. Since the linear formations are what form the first layer, it is further clear that the thickness of the first layer is substantially equal to a thickness of any one of the linear formations, and that the intersections of the linear formations do not necessarily increase the thickness of the first layer since the linear formations are not stacked. Rather, one passes “through” another at the intersections. As a result, the added limitation to this subject matter does not add new matter to independent claim 1.

In contrast to amended claim 1, Corrons discloses multiple layers of unidirectional formations stacked together to form what the Examiner has equated to the Applicant's first layer. However, since multiple layers of unidirectional formations are stacked one on top of another, it cannot be said that the resulting “combined single layer” the Examiner has cited has a thickness substantially equal to the thickness of one of the unidirectional formations. Instead, the thickness

Serial No. 10/726,461  
Attorney Docket No. 24170759.2

of Corrons' combined layer is necessarily the combined thickness of all the unidirectional layers stacked together. Moreover, there is nothing in Corrons that would suggest altering the manufacturing process disclosed therein to cease using continuous roving unidirectional strands in order to arrive at the invention of claim 1. Accordingly, the Applicants respectfully request that the Examiner withdraw the rejection of independent claim 1, and its respective dependent claims, in view of Corrons.

### III. REJECTIONS UNDER 35 U.S.C. §103

The Examiner has also rejected dependent claims 6, 11-13, 17 and 21-24 under 35 U.S.C. §103(a) as allegedly being unpatentable over Shannon. For the reasons discussed above, Shannon does not teach or suggest all of the elements recited in amended independent claims 1 and 14. Therefore, the Applicants respectfully assert that these claims are not obvious in view of Shannon, since these dependent claims respectively depend from amended independent claims 1 and 14.

In addition, Shannon teaches away from a first layer having nonwoven fibers aligned in two or more directions. More specifically, Shannon explicitly teaches the use of one layer of unidirectional fiber strands located on one side of a random-fiber layer, and a second layer of unidirectional fiber strands located on an opposite side of the random-fiber layer. Nothing in Shannon suggests completely altering the construction of the fiber material disclosed therein in order to arrive at the single layer having fiber aligned in multiple directions, as recited in the present claims.

For at least these reasons, Shannon does not teach or suggest all of the elements of amended independent claims 1 and 14, from which the rejected dependent claims respectively

Serial No. 10/726,461  
Attorney Docket No. 24170759.2

depend. Thus, the Applicants respectfully request that the Examiner withdraw the §103(a) rejections as well.

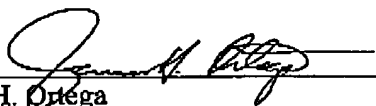
#### IV. CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that pending claims 1 and 4-25 are in condition for allowance, and request a Notice of Allowability for the pending claims. The Examiner is invited to contact the undersigned Attorney of Record if such would expedite the prosecution of the present Application.

Since this Amendment in response to the pending non-final Office Action is within the three-month deadline of November 10, 2005, no fees are believed to be due at this time. However, if it is determined that any fees are required, the Commissioner is authorized to charge those fees to Account No. 13-0480, referencing Attorney Docket No. 24170759.2.

Respectfully submitted,

Date: October 7, 2005

  
James H. Ortega  
Reg. No. 50,554  
Attorney for Applicant  
**BAKER & MCKENZIE LLP**  
2001 Ross Avenue, Suite 2300  
Dallas, TX 75201  
Tel: (214) 978-3058  
Fax: (214) 978-3099